

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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PLAYA VILLAS SAUSALITO LLC,

Plaintiffs,

vs.

STEPHEN GRIER, *et al.*,

Defendants.

Case No. 2:19-cv-00414-JAD-VCF

**REPORT & RECOMMENDATION**

APPLICATION TO PROCEED *IN FORMA PAUPERIS*  
[ECF No. 1], NOTICE OF REMOVAL [ECF No. 1-1]

Defendant Danielle Grier is attempting to remove an unlawful detainer action from the Superior Court of California, County of Los Angeles. (ECF No. 1-1). Defendants previously tried to remove this case to the United States District Court of the Central District of California, but the case was remanded for lack of subject matter jurisdiction. (*See* United States District Court of the Central District of California, Case No. 2:19-cv-00605-ODW-JC; ECF Nos. 1, 8).

Pursuant to 28 U.S.C. § 1441, a case may be removed “to the district court of the United States for the district and division embracing the place where such action is pending.” The state case is pending California, not Nevada. Therefore, the case should be remanded.

ACCORDINGLY,

IT IS RECOMMENDED that the case be REMANDED to the Superior Court of California, County of Los Angeles and Defendant’s application to proceed *in forma pauperis* (ECF No. 1) be DENIED as moot.

**NOTICE**

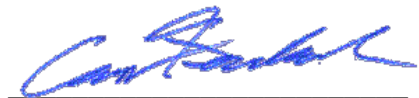
Under Local Rule IB 3-2, any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within 14 days. The Supreme Court has held that the courts of appeal

1 may determine that an appeal has been waived due to the failure to file objections within the specified  
2 time. (*See Thomas v. Arn*, 474 U.S. 140, 142 (1985)). This circuit has also held that (1) failure to file  
3 objections within the specified time and (2) failure to properly address and brief the objectionable issues  
4 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the  
5 District Court. (*See Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*  
6 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983)).

7 Pursuant to LR IA 3-1, parties must immediately file written notification with the court of any  
8 change of address. The notification must include proof of service upon each opposing party or the party's  
9 attorney. **Failure to comply with this Rule may result in dismissal of the action.**

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11 IT IS SO RECOMMENDED.

12 DATED this 15th day of March, 2019.

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15 CAM FERENBACH  
16 UNITED STATES MAGISTRATE JUDGE  
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